

FORMAL MEETING AGENDA BOARD OF SUPERVISORS

(and the Boards of Directors of the Flood Control District, Library District,
Stadium District, Improvement Districts, and/or Board of Deposit)

WEDNESDAY, DECEMBER 19, 2007

9:00 AM

Board of Supervisors' Auditorium
205 W. Jefferson
Phoenix, Arizona

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GREEN – APPROVED / RED – DENIED / BLUE – CONTINUED
GOLD – WITHDRAWN / BROWN – NO ACTION

SUPPLEMENTAL

New Items

Sheriff

S-1. AMENDMENT TO IGA FOR LAW ENFORCEMENT SERVICES WITH TOWN OF QUEEN CREEK – (APPROVED)

Approve Amendment No. 1 to the Intergovernmental Agreement for Law Enforcement Services between the Town of Queen Creek and Maricopa County Sheriff's Office to: 1) increase service from 4 beats to 5 beats plus two transportation deputies effective January 1, 2008, 2) address disposition of vehicles purchased by the Town for use in the contract, and 3) acknowledge provision of space by the Town to house those that deliver Sheriff's Office law enforcement service.

Approval of this amendment will raise the FY 2008 annualized value of the contract to \$4,083,657, which includes additional one-time vehicle and equipment purchases totaling \$245,699. This amendment is effective January 1, 2008 or as soon thereafter that service can be provided. The new monthly payment, \$319,829.80, billable by County Finance, will be pro-rated monthly according to level of service provided throughout any ramping up period as communicated by the Sheriff's Office.

The base contract continues through June 30, 2010 with up to three years of automatic renewal and is terminable upon 12 months written notice of either party. Charges are updated annually and are based on actual cost.

This beat increase results in the addition of seven deputy positions, including two for traffic enforcement, one captain and a full time clerical position. All full-time positions funded through the Queen Creek contract will be accounted for separately and will be subject to elimination with incumbents being reassigned to Sheriff's Office vacant positions should the contract be dissolved.

Also approve the purchase and addition to fleet of 3 SUVs.

Finally approve per A.R.S. §42-17106 an increase to the Sheriff's Office General Fund (100) FY 2008 revenue appropriation of \$613,165 (\$734,932 annualized) and expenditure appropriation of \$613,165(\$734,932 annualized) to accommodate the increased revenue and expense associated with this action. Intergovernmental Agreement revenues are not local revenues for purposes of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (ADM3101) (C5008010201)

S-2. AGREEMENT WITH ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR USE OF SPACE AT BUCKEYE HILLS RANGE COMPLEX AS EXPLOSIVE TRAINING FACILITY (APPROVED)

Approve an Agreement between the Arizona Department of Homeland Security and the Maricopa County Sheriff's Office, for the 2007 Homeland Security Grant Program Award, number #333212-03 and acceptance of \$133,000 in grant funding. This funding is to prepare a space at the Buckeye Hills Range Complex as an explosive training facility. The Sheriff's Office indirect cost rate for FY08 is 11.7%. This is a construction project, there are no indirect costs associated with this grant. The term of this award is July 1, 2007 through July 31, 2009.

Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2007-08 by \$66,500. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C5008537300)

S-3. AGREEMENT WITH ARIZONA DEPARTMENT OF HOMELAND SECURITY TO EXPAND FACIAL RECOGNITION CAPABILITIES – (APPROVED)

Approve an Agreement between the Arizona Department of Homeland Security and the Maricopa County Sheriff's Office, for the 2007 Homeland Security Grant Program Award, number #333212-02 and acceptance of \$264,450 in grant funding. This funding is to expand the Facial Recognition capabilities with specialized technology equipment. The Sheriff's Office indirect cost rate for FY08 is 11.7%. Unrecoverable indirect costs associated with this grant are estimated to be \$5,616. There will be capital equipment purchases that are excluded from the indirect cost calculation. The term of this award is July 1, 2007 through July 31, 2009.

Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2007-08 by \$132,225. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008538300)

S-4. AGREEMENT WITH ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR MOBILE RADIO REPEATERS – (APPROVED)

Approve an Agreement between the Arizona Department of Homeland Security and the Maricopa County Sheriff's Office, for the 2007 Homeland Security Grant Program Award, number #333212-01 and acceptance of \$194,400 in grant funding. This funding is for the purchase of two (2) self-contained mobile radio repeaters. The Sheriff's Office indirect cost rate for FY08 is 11.7%. This a capital equipment purchase and is excluded from the indirect cost calculation. The term of this award is July 1, 2007 through July 31, 2009.

Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2007-08 by \$194,400. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C5008539300)

**S-5. ACCEPT GRANT FUNDS FOR ENFORCEMENT OF IMMIGRATION RELATED MATTERS
(APPROVED)**

Approve the acceptance of grants funds in the amount up to \$1,000,000 from the State of Arizona pursuant to House Bill 2779 "Legal Arizona Workers Act" through the Maricopa County Attorney's Office to enforce immigration related matters and the provisions of A.R.S. §23-212. The Board of Supervisors acknowledged receipt of these funds by the County Attorney on October 31, 2007 (C1908028300). The term of funding is January 1, 2008 through December 31, 2008. The Sheriff's Office FY2008 indirect cost rate is 11.7%, the unrecoverable indirect costs are estimated to be \$117,000.

Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2007-08 by \$500,000. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

Approve the creation of 6 new deputy positions in the grant fund to be filled by experienced law enforcement personnel. Continuation of these positions is contingent upon continuation of the state funding and the Agreement with the County Attorney. When funding ceases, these positions will be deleted and individuals will be re-assigned according to established personnel policy.

Also, approve an addition to the fleet of 2 full size undercover vehicles estimated costs of \$92,782 that will be utilized for this enforcement. The estimated costs for these vehicles are \$5,000 annually to be funded by the General Fund (100). (ADM3101) (C5008540300)

Treasurer

S-6. REFUND TO JLK REAL ESTATE INVESTMENT CORP FOR A PREVIOUS PURCHASE OF PARCELS – (APPROVED)

Approve a refund per A.R.S. §42-18125 to JLK Real Estate Investment Corp in the amount of \$43,395.00 for the purchase of parcels 133-41-632, 159-25-005-T, 218-56-118-A and 218-56-247-B that were sold by the Board of Supervisors, conducted by Treasurer's Office at a tax-deeded land sale auction on December 7, 2006. This matter was discussed in Executive Session on December 3, 2007. (Subject to the review and approval of Legal and OMB) (C4308012000) (ADM656-2006)

General Government

S-7. ONE-TIME ADDITION TO FLEET – (APPROVED)

Approve the one time addition to the fleet of a 1998 Dodge Neon with 72,720 miles (fleet # 23803) to be utilized by General Government. The vehicle is valued at \$3,500. Funding for this vehicle is not applicable since the vehicle was deemed a surplus vehicle when turned into Equipment Services by the County Attorney for auction. Annual operating and maintenance costs

are estimated at \$2,000 to be paid out of General Government Health Finance Administration. This vehicle is a one-time addition to the fleet that will be retired at the end of its' useful life with no funding from the General Fund for its replacement. A detailed cross-referenced list of vehicle identification numbers is kept on file with the Clerk of the Board. (C4508007M00) (ADM3101)

Environmental Services

S-8. SUBMISSION OF NOTICE OF INTENT TO DISCHARGE TO ADEQ FOR PHASE II SMALL MUNICIPAL SEPARATE STORMWATER SYSTEM GENERAL PERMIT – (APPROVED)

Approve the submittal of a Notice of Intent to Discharge (NOI) to the Arizona Department of Environmental Quality (ADEQ) for a Phase II Small Municipal Separate Stormwater System General Permit and authorize the preparation of an application for an Individual Permit under provisions of the Federal Clean Water Act as adopted by the State of Arizona. The General Stormwater permit and subsequently the Individual Stormwater permit will provide Maricopa County as the permittee, coverage for stormwater discharges from portions of Maricopa County to the Waters of the United States. In accordance with the permit, the County will update its Stormwater Management Program designed to minimize surface water pollution caused by stormwater. The County has already provided a Stormwater Management Plan to ADEQ on March 10, 2003 for their review. This matter was discussed in Executive Session on December 13, 2007. (C8808004000)

SETTING OF HEARINGS

~All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted~

Planning and Development

S-9. CASES – (APPROVED)

Schedule Planning and Development public hearings on zoning cases and other matters for 11:00 a.m., January 2, 2008. (List is on file in the Clerk of the Board's office) (F23252)

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STADIUM DISTRICT AGENDA

SS-1. AMENDMENT TO FACILITY DEVELOPMENT AGREEMENT AND RELATED USE AGREEMENTS – (APPROVED)

Approve the "Eighth Amendment to the Facility Development Agreement and Related Use Agreements" between the Maricopa County Stadium District and the following Arizona Diamondbacks Major League Baseball Team related entities: (sometimes collectively referred to as the "Team Entities"): AZPB Limited Partnership (the "Team"), a Delaware limited partnership; AZPB FM Limited Partnership (the "Facility Manager"), a Delaware limited partnership; AZPB REM limited partnership (the "Real Estate Manager") a Delaware limited partnership. This amendment allows the District to assign its Day Use responsibilities to the District's booking manager for events at Chase Field. The District will share in the revenues received from Day

Uses pursuant to the formula set forth in the Booking Manager Services Contract (Serial 03206-RFP).

Under the agreements with the Team Entities, the District deposits fifty percent of its annual net revenues into the long term project reserve account established for maintaining the facility.

In addition, the District Board has before it two other agenda items for agreements that should be considered simultaneously with this item because these two items are integrally related: The "Assignment of Day Use Responsibilities and Amendment to Booking Manager Services Contract"; and the "Amendment to Plywood Letter Agreement." Approval of this item granting the District the authority to assign its Day Use rights is a necessary prerequisite for the approval of these other two items. (C7898053109) (C6772)

SS-2. ASSIGNMENT OF DAY USE RESPONSIBILITIES AND AMENDMENT TO BOOKING MANAGER SERVICES CONTRACT WITH SMG/SAA VENTURES, LLC – (APPROVED)

Approve the "Assignment of Day Use Responsibilities and Amendment to Booking Manager Services Contract," (Serial 03206-RFP), between SMG/SAA Ventures, LLC (the "Booking Manager") and the Maricopa County Stadium District (the "District"). An agreement concurrently before the District Board for consideration, the "Eighth Amendment to the FDA and the Related Use Agreements," authorizes the District to assign its rights to book and conduct Day Uses at Chase Field to the District's booking manager, currently SMG/SAA Ventures, LLC (the "Booking Manager"). This Assignment amends the Booking Manager Services Contract to add these services to effect this assignment, as permitted under Section 4.5, and provides that gross revenues earned by the Booking Manager through Day Uses are subject to revenue sharing with the District as set forth in the Assignment and the Booking Manager Services Contract. (Subject to the review and approval of Legal, OMB, and Materials Management) (C6805007101) (C6792)

SS-3. AMEND PLYWOOD LETTER AGREEMENT WITH SMG/SAA VENTURES, LLC (APPROVED)

Approve as Amendment No. 1 the "Amendment to Plywood Letter Agreement" between SMG/SAA Ventures, LLC (the "Booking Manager") and the Maricopa County Stadium District (the "District"). In this amendment, the Booking Manager agrees to give up its rights relating to Day Uses granted in the Letter Agreement as partial consideration for the benefit it receives under another agreement (C6808009M00) concurrently before the District Board, the "Assignment of Day Use Responsibilities and Amendment to Booking Manager Services Contract" in which the Booking Manager is assigned the District's rights to conduct Day Uses at Chase Field. This does not change the Booking Manager's rights, duties, and responsibilities regarding the plywood under the Letter Agreement, which continues in effect as amended. (C6792) (C6806002001)

REGULAR AGENDA

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

*One or more members may attend telephonically.
Members attending telephonically will be announced at the meeting.*

The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

PRESENTATIONS

1. Maricopa County 2007 Accomplishments Video, presented by Chairman Brock. (ADM650)
(NO ACTION)
2. Presentation to William C. Scalzo, Assistant County Manager, in recognition of his accomplishments as he retires from Maricopa County. – **(NO ACTION)**
3. Presentation of a Certificate of Achievement for Excellence in Financial Reporting awarded to the Stadium District. (C6808007M00) – **(NO ACTION)**

STATUTORY HEARINGS

Clerk of the Board

4. LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

- a. Application filed by Donald E. Majdecki for a Special Event Liquor License: (F23221) (SELL808) – **(APPROVED)**

Business Name:	St. Clement's Men's Club
Location:	15800 Del Webb Boulevard, Sun City AZ 85351
Date/Time:	March 15, 2008; 4:00 p.m. – 10:00 p.m.

- b. Application filed by Donald E. Majdecki for a Special Event Liquor License: (F23221) (SELL807) – **(APPROVED)**

Business Name:	Sun City Knights of Columbus #6612
Location:	15800 Del Webb Boulevard, Sun City AZ 85351

Date/Time: January 16, 2008; 3:00 p.m. – 7:00 p.m.

- c. Application filed by LaDane Edwin Vandenberg for a Special Event Liquor License: (F23221) (SELL806) – **(APPROVED)**

Business Name: St. Katherine Greek Orthodox Church
Location: 2716 N. Dobson, Chandler AZ 85224
Date/Time: February 9, 2008; 12:00 p.m. – 10:00 p.m.

- d. Application filed by Doreen Liza Inzalaco for a New Series 12 Liquor License: (MCLL6251) (AZ#12077406) – **(APPROVED)**

Business Name: Julia's Cafe
Location: 10746 W. Bell Road, Sun City AZ 85251

- e. Application filed by Cynthia Mena for a New Series 12 Liquor License: (MCLL6250) (AZ#12077402) – **(APPROVED)**

Business Name: Rosati's Pizza
Location: 3668 W. Anthem Way Suite A144, Anthem AZ 85086

- f. Application filed by Michele J. Hylton for a New Series 12 Liquor License from: (MCLL6249) (AZ#12099398) – **(APPROVED)**

Business Name: Sweet Rustic American Grill & Cantina
Location: 15472 N. 99th Ave. #5, Sun City AZ 85251

Transportation

5. ROAD FILE DECLARATIONS

Approve petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

- a. **Road File No. (A387)** – In the vicinity of Williams Road, from 83rd Avenue to 79th Avenue (alignment) (Supervisory District 4) (C6408085000) – **(APPROVED)**
- b. **Road File No. (A344)** – In the vicinity of Avenida Del Sol from 89th Avenue to 83rd Avenue (Supervisory District 4) (C6408087000) – **(APPROVED)**
- c. **Road File No. (A345)** – In the vicinity of Vista Avenue from 83rd Avenue to 81st Avenue (Supervisory District 4) (C6408086000) – **(APPROVED)**

Clerk of the Board

6. LONGHORN RANCH IRRIGATION WATER DELIVERY DISTRICT – **(APPROVED)**

Pursuant to A.R.S. §48-261 and §48-263, convene the scheduled public hearing on the impact statement for the proposed Longhorn Ranch Irrigation Water Delivery District. The Board will hear those who appear for and against the proposed district and shall determine whether the creation

of the district will promote public health, comfort, convenience, necessity or welfare. If the Board of Supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall approve the district impact statement and authorize the persons proposing the district to circulate petitions. The impact statement is on file in the office of the Clerk of the Board.

Also, pursuant to A.R.S. §48-261(C), approve a bond in the amount of \$500 to be filed with the Board by the persons proposing the district to cover costs incurred by the County if the district is not finally organized.

The proposed district is located in the Longhorn Ranch Subdivision Community between Acoma Drive and Thunderbird Road and 71st Avenue and 69th Drive in Peoria and contains approximately 66 parcels. (Supervisory District 4) (C0608038700)

7. GILBERT COUNTY ISLAND FIRE DISTRICT – (APPROVED)

Pursuant to A.R.S. §48-851(A)(9), convene a public hearing on receipt of the signed formation petitions for the proposed Gilbert County Island Fire District located in the Town of Gilbert municipal planning area. If the petitions are determined to be valid, the Board shall order the formation of the district and enter its order in the minutes. The order will include the appointment of the three initial governing board members of the district as set forth in the petition:

- Marci A. Sale
- Cindy L. Biggs
- Glenn A. Beaumont

The order of the Board shall be final and the proposed district will be formed as of January 18, 2008. The signed petitions and the petition results certification are on file in the Office of the Clerk of the Board. (Supervisory Districts 1 and 2) (C0608034701) (ADM4450-001)

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Clerk of the Board

8. TRANSFER EXPENDITURE AUTHORITY RELATED TO BOARD OF EQUALIZATION FUNDING – (APPROVED)

Pursuant to A.R.S. §42-17106(b), approve a transfer of expenditure authority between Clerk of the Board (060) General Fund (100) and Non-Departmental (470) General Fund (100) Other Programs (4712) in the amount of \$44,762. This action requires a decrease to the Clerk of the Board (060) General Fund (100) appropriation in the amount of \$44,762 and an increase to Non-Departmental (470) General Fund (100) Other Programs (4712) in a new line item titled "Board of Equalization" in the amount of \$44,762. This action will move the funding for the State Board of Equalization from the Clerk of the Board Budget to Non-Departmental for control purposes and does not alter the duly adopted budget for FY 2007-08 approved by the Board of Supervisors pursuant to A.R.S. §42-17105.

Direct the Clerk of the Boards Office to Journal Voucher FY 2007-08 actual State Board of Equalization payments from the Clerk of the Board General Fund Budget to the line item "Board of Equalization" in Non-Departmental. (C0608047800)

Internal Audit

9. ADJUSTMENT TO 2008 AUDIT PLAN – (APPROVED)

Adjust the County Auditor's Fiscal Year 2008 Audit Plan as follows: (C2308002M00)

- Defer the Network Security Review to a subsequent year due to changes currently being made to the County's network;
- Add the Payroll Outsourcing Review; and
- Defer the Countywide Anti-Virus Review to satisfy current request for budget reduction.

Clerk of the Court

10. ACCEPTANCE OF FISCAL YEAR 2007-08 GRANT MONIES – (APPROVED)

Accept FY 2007-08 grants for the Clerk of the Superior Court in the amount of \$1,665,559. The indirect costs (based upon a rate of 31.6% as calculated by the Department of Finance) of \$526,327 are not fully recoverable, as reflected in the funding agreements. FY 2007-08 grants allow for \$289,255 of recoverable indirect costs and \$237,062 of unrecoverable costs. Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the budget law. This request does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C1608003300)

County Attorney

11. REVENUE AND EXPENDITURE APPROPRIATION FOR FILL THE GAP FUND (APPROVED)

Approve a transfer of revenue and expenditure appropriation in the amount of \$66,000 from Non-Departmental (470) Non-Departmental Grant Fund (249) Reserve for Potential Fee Increases (4711) to the County Attorney (190) Fill the Gap Fund (221). Also, authorize revenue and expenditure appropriation increase adjustments for the County Attorney (190) Fill the Gap Fund (221) in the amount of \$73,000. These "non-local" Fill the Gap revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Both of these increases are based upon significantly higher revenue receipts in the County Attorney's Fill the Gap Fund and are necessary to fund anticipated salary and benefit increases (due to market studies) and other unanticipated expenditures. (C1908034800)

12. RETROACTIVE SALARY ADVANCEMENT – (APPROVED)

Approve a retroactive salary advancement for Alycia Feinberg who received an evaluation in FY 2006-07 but that made her ineligible for a market increase following the Legal Support Market Study (June 2007). The employee has since improved her performance and received a score making her eligible for salary advancements. The effective date would be October 8, 2007, which is the pay period following her recent evaluation. (C1908035800)

Elections

13. DESIGNATION OF POLLING PLACES FOR PRESIDENTIAL PREFERENCE ELECTION AND APPOINTMENT OF ELECTION AND TALLY BOARDS – (APPROVED)

Approve polling places for the Presidential Preference election to be conducted February 5, 2008; authorize the Director of elections to select and designate additional polling places if needed due to changes or unavailability of polling places; and approve the appointment of election boards and tally boards necessary to conduct the election upon selection by the Director of Elections and filing with the Clerk of the Board of Supervisors, and provide for payment of election board communication expenses. The Elections Department will do their best to remain within the current budgeted amount. However, the possibility exists that the Department may need to return later in FY 2007-08 for an appropriation adjustment if the revenues and expenses are greater than budgeted. The cost of the Presidential Preference election is reimbursed by the Secretary of State per A.R.S. §16-250. (List is on file with the Clerk of the Board's office.) (C2108001700)

Sheriff

14. ONE-TIME LUMP SUM PAYMENT TO SHERIFF'S OFFICE EMPLOYEE – (APPROVED)

Approve a one-time, lump sum payment of \$11,859.42 to Sheriff's Office employee, Ricky Edward Hipp, S1723. This amount covers the gross pay difference between what Deputy Hipp earned and what he should have earned between May 7, 2007 and October 7, 2007. Deputy Hipp's pay record was missed in the application of a market adjustment. The expenditure impact to the employer is \$13,494.84, which includes variable benefits. (C5008029M00) (ADM3308)

15. AMENDMENT TO SUB-LEASE AGREEMENT WITH DEL WEBB CORPORATION (APPROVED)

Approve Amendment No. 4 to increase the space in the Sub-Lease Agreement (L7361) between Del Webb Corporation and Maricopa County Sheriff's Office for 1,411 square feet of office space in the Anthem Administration Building, 3701 W. Anthem Way, Anthem, Arizona commencing December 1, 2007 through November 30, 2008. This action would allow for more than double the current space assigned to the Sheriff's Office at Anthem and will result in a more visible law enforcement presence, which has been requested by the community's leadership. District IV deputies and posse will use the space. The cost is \$1.00 per term. This agreement is subject to termination pursuant to the provisions of A.R.S. §38-511. (C5005029M04)

16. ONE-TIME ADDITION TO FLEET – (APPROVED)

Approve a one-time addition to fleet, of a 2008 Interstate Load Runner 102X18 Tandem Axle equipment trailer being purchased for \$6,900 using grant funds previously awarded for this general purpose to be used by the Threat Assessment Team. The Sheriff's Office was awarded funding from the U.S. Department of Homeland Security, Urban Areas Security Initiative (UASI) passed through the Arizona Department of Emergency Management (ADEM) via the City of Phoenix, which was approved by the Board of Supervisors on November 1, 2006 (C5007522301). The Sheriff's Office indirect cost rate for FY 2007-08 is 11.7%. This is a capital purchase so indirect costs are not calculated (\$807). There is a one-year warranty after which the General Fund (100) will fund operating costs, estimated to be \$500 annually. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding from the General Fund for replacement. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5007522303)

Treasurer

**17. COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT
(APPROVED)**

Pursuant to A.R.S. §11-501, receive the Treasurer's Statement of Collections and Investment summary reports for October 2007 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C4308009000) (ADM4006)

18. CORRECTION TO QUIT CLAIM DEED – (APPROVED)

Correct the action taken by the Board on December 20, 2006, under C4307001700 related only to the offer accepted on parcel 220-55-001-L. With this corrective action, the Board approves an Affidavit of Erroneous Recording which will effectively cancel two previously recorded documents:

- 1) Quit Claim Deed Doc. #2007-0010254 (recorded on January 3, 2007); and
- 2) "Corrected Deed" Doc. #2007-0453914 (recorded on April 18, 2007).

Additionally, approve the issuance and recording of a corrected Quit Claim Deed to be issued to Leo and Virginia Bellows for parcel 220-55-001-L which they purchased through the Treasurer's Tax-Deeded Land Auction conducted on December 7, 2006. (C4308010000)

TRIAL COURTS

Superior Court Judges and Commissioners

19. APPOINTMENTS

- a. Approve the appointment of Court Commissioner **Jerry Bernstein** as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from December 19, 2007 through June 30, 2008 to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (C3808006700) – (APPROVED)
- b. Approve the appointment of Court Commissioner **Jeffrey A. Rueter** as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from January 7, 2008 through June 30, 2008 to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (C3808007700) – (APPROVED)
- c. Approve the appointments as Pro Tem Justices of the Peace for the period January 1, 2008 through December 31, 2008, to serve in various programs in Justice Courts to reduce trial delay. (List is on file with the Clerk of the Board's office.) (C3808008700) – (APPROVED)

20. AMENDMENT TO SERVICE LEASE WITH CENTRAL INVESTMENTS, LLC FOR COURT SPACE – (APPROVED)

Approve and execute the forth amendment to full service lease No. L7156 with Central Investments, LLC, an Arizona Limited Liability Company, Lessor, for 7,587 square feet of court space located at 9550 W. Van Buren Street, Tolleson, Arizona. This amendment will adjust the rental rate for the current lease term, amend the lease term to commence on March 1, 2008 and terminate on February 28, 2012. The lease contains a 10-month termination provision and a six-month hold over provision. The rental rate is:

BASE YEAR	MONTHLY RATE	ANNUAL RATE plus rental tax
2007-08	\$16,005	\$192,060
2008-09	\$16,005	\$192,060
2009-10	\$16,005	\$192,060
2010-11	\$16,005	\$192,060
2011-12	\$16,005	\$192,060

In addition to the base rent outlined above, Lessee shall reimburse Lessor annually for Lessee's proportionate share of the increase in operating and maintenance expense above the Base Year 2007. (C2498010404)

DEPUTY COUNTY MANAGER

Correctional Health

21. WAIVER TO PERFORMANCE BASED SALARY ADVANCEMENT PLAN – (APPROVED)

Approve a waiver to the FY 2007-08 Performance-Based Salary Advancement Plan, Section VI. This waiver would allow a non-merit salary advancement to \$13.78 per hour for Jose A. Gutierrez retroactively to June 4, 2007. Correctional Health will absorb the financial impact of a retroactive pay raise for Mr. Gutierrez. (C2608006000)

22. TRANSFER EXPENDITURE AUTHORITY FOR TELECOMMUNICATIONS PORTION OF THE TENANT IMPROVEMENTS OF THE DURANGO PARKING GARAGE – (APPROVED)

Pursuant to A.R.S. §42-17106(B), approve the transfer of expenditure authority between Non-Departmental (470) Non-Departmental Grants Fund (249) and the Office of Enterprise Technology (410) Telecommunications Fund (681). This action will require an expenditure appropriation adjustment **decreasing** the FY 2007-08 Non-Departmental (470) Non-Departmental Grants Fund (249) by \$600,000 and increasing the FY 2007-08 Office of Enterprise Technology (410) Telecommunications Fund (681) by \$600,000. This adjustment will use fund balance to pay for the Telecommunications portion of the Tenant Improvements of the Durango Parking Garage. This adjustment will result in a countywide net impact of zero. (C4108004000)

Public Health

23. AMEND AGREEMENT FOR DIETETIC INTERNS TO RECEIVE VOLUNTEER CREDIT THROUGH PROJECT AYUDA – (APPROVED)

Approve Amendment No. 1 to the Memorandum of Agreement: Linkage Agreement Between Project Ayuda and Participating Agencies with **Paradise Community College**, by and through its Office of Service Learning/Project Ayuda, and the Maricopa County Department of Public Health (MCDPH). The Memorandum of Agreement allows MCDPH dietetic interns to receive volunteer credit through Project Ayuda. The purpose of this amendment is to extend the term of the agreement from January 1, 2008 through December 8, 2008. This agreement is non-financial. All other terms and conditions of the original agreement shall remain in full force and effect. (C8607062001)

24. AMEND AGREEMENT WITH MADISON SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES – (APPROVED)

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) No. C86074822 with the **Madison School District** to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment is effective upon execution by both parties and exercises the option in the agreement per Section 1, paragraph 24 to extend the agreement for a one year period starting upon full-execution of the agreement to May 1, 2008. This amendment also provides additional funds to the Madison School District in the amount of \$4,000 for the budget period July 1, 2007 through May 1, 2008. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607482201)

25. IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR TEEN PREGNANCY PREVENTION PROGRAM – (APPROVED)

Approve the Intergovernmental Agreement (IGA) HG861252 between the Arizona Department of Health Services (ADHS) and Maricopa County Department of Public Health for the Teen Pregnancy Prevention Program designed to help reduce pregnancies among teens by implementing programs to educate and train parents/caregivers of teens. The term of the IGA is from January 1, 2008 through December 31, 2008 and provides for funding in the amount of \$229,837.

The Department of Public Health's indirect rate for FY 2007-08 is 18.0%. This grant allows for full indirect cost reimbursement at \$35,060.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$114,919. The appropriations adjustment is necessary because these funds were not included in the FY 2007-08 Adopted Budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8608037300)

26. IGA WITH MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT FOR EMPLOYEE PARTICIPATION IN LEARNING EXPERIENCES – (APPROVED)

Approve an intergovernmental agreement (IGA) C90080011 between the Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (MIHS) and the Maricopa County Department of Public Health (MCDPH). The purpose of the agreement is to allow MCDPH WIC and Breastfeeding Peer Counselor Program employees to participate in learning experiences, provide breastfeeding support to MIHS patients, and to enroll MIHS patients in the Maricopa County WIC program. The agreement is non-financial. The term of the agreement is from January 1, 2008 through December 31, 2012. (C8608040000)

27. AFFILIATION AGREEMENT WITH UNIVERSITY OF NORTHERN IOWA FOR TRAINING EXPERIENCE – (APPROVED)

Approve the Affiliation Agreement entitled "Off-Site Preceptor Student Rotation Training Agreement" between the University of Northern Iowa (UNI) and the Maricopa County Department of Public Health to provide training experience for UNI health and physical education and other students in the Department of Public Health Office of Health Promotion and Education. The agreement is non-financial, and is effective from January 1, 2008 through June 30, 2012. (C8608041000)

28. AFFILIATION AGREEMENT WITH WALDEN UNIVERSITY FOR TRAINING EXPERIENCE (APPROVED)

Approve the Affiliation Agreement entitled "Off-Site Preceptor Student Rotation Training Agreement" between Walden University and the Maricopa County Department of Public Health to provide public health training experience for Walden students in the Department of Public Health Epidemiology program. The agreement is non-financial, and is effective from December 1, 2007 through June 30, 2012. (C8608042000)

**29. LEASE WITH ST. MARY'S FOOD BANK ALLIANCE FOR OFFICE/CLINIC SPACE
(APPROVED)**

Approve and execute lease No. L7403 with St. Mary's Food Bank Alliance, Lessor, for 4,488 square feet of office/clinic space located at 3003 W. Thomas Road, Phoenix, AZ, 85009. The rental rate is \$12.00 s/f or an annual rate of \$53,856.00 plus rental tax. The lease provides for an option to renew for five additional years. The lease will commence upon approval by the Board of Supervisors and will terminate five years thereafter. The lease contains a 90 day termination provision and a six month holdover provision. (C8608046400)

30. TERMINATION OF LEASE WITH DAVID J. MCHENRY FAMILY TRUST – (APPROVED)

Approve termination of Lease No. L7217 with David J. McHenry Family Trust, Lessor, for the Thomas Road WIC facility located at 2821 N. 33rd Avenue, Phoenix, Arizona. The lease provides an early termination option with, no penalty, by giving 180-day written advance notice. The termination will be effective on or about July 1, 2008. This approval will formally exercise the termination option. (C8696073404)

ASSISTANT COUNTY MANAGER – COMMUNITY SOLUTIONS AND INNOVATION

Human Services

31. APPLICATION AND ACCEPTANCE OF GRANT FUNDS FOR HEAD START HEALTHY MARRIAGE INITIATIVE PROJECT – (APPROVED)

Approve the application and acceptance of grant funds from U.S. Department of Health and Human Services/Administration for Children and Families (DHHS/ACF), Grant No. 90YD0225, in the amount of \$411,772 every year for five years. These grant funds are for the Head Start Healthy Marriage Initiative Project. Authorize the Chairman to sign all documents related to these grant funds. The grant funds may be expended for indirect costs which may be incurred by the Human Services Department or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Human Service's composite indirect cost rate at 16.5%. The total recoverable FY 2007-08 amount is \$43,740. Also, approve revenue and expenditure appropriation adjustments to the Human Services Department, Department #220, Human Services Grants, fund #222, associated with the grant in the amount of \$308,829 for FY 2007-08 only, FY 09 - FY 13 is \$411,772 per year. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2208128300)

32. CONTRACT WITH PIMA PREVENTION PARTNERSHIP FOR HEALTHY MARRIAGE EDUCATION SERVICES – (APPROVED)

Approve a contract between Pima Prevention Partnership and Maricopa County's Human Services Department for the provision of Healthy Marriage Education Services to 400 Head Start

and Early Head Start parents. The contract amount is \$336,600. Funding under this agreement is based on "Financial Assistance Award" by the funding source, U.S. Department of Health and Human Services (DHHS). This contract is effective on September 30, 2007, and shall terminate September 29, 2008. This contract does not include any County general funds. (C2208129100)

33. ADMINISTRATIVE CORRECTION TO IGA WITH MARICOPA COUNTY HOUSING AUTHORITY FOR LEASE OF HEAD START CLASSROOM AND PLAYGROUND FACILITY (APPROVED)

Approve an administrative correction to the Intergovernmental Agreement (IGA) No. C2205100201 previously approved by the Board on December 5, 2007. This action specifies that this IGA is between the Maricopa County Housing Authority and Human Services Department for a Lease Agreement (L7401) on a Head Start classroom and playground facility located at the Kuban Housing Development, 5834 E. Santos Bravo, #1 and #2, Guadalupe, Arizona. This administrative correction further specifies that the annual utility fees are as follows:

YEAR	MONTHLY RATE	ANNUAL RATE plus rental tax
2007-08	\$160.00	\$1,920.00
2008-09	\$168.00	\$2,016.00
2009-10	\$176.40	\$2,116.80

The term of this agreement is for three years commencing July 1, 2007 through June 30, 2010. All other terms and conditions of this agreement shall remain unchanged. (C2205100202)

CHIEF FINANCIAL OFFICER

Animal Care & Control

34. DONATIONS – (APPROVED)

Accept the monetary donation from **Lynn Morrison** of Scottsdale, AZ in the amount of \$1,000 and **Jean Tichenor** of Paradise Valley, AZ in the amount of \$482 for the care of the animals. Donation revenue funds are deposited into Fund 573 as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908051700)

35. AMEND AND REALLOCATE RESTRICTED DONATION FUNDS RECEIVED FROM FRIENDS OF ANIMAL CARE & CONTROL – (APPROVED)

Amend and reallocate restricted donation funds received from **Friends of Animal Care & Control** of Phoenix, Arizona in the amount of \$91,539 previously approved by the Maricopa County Board of Supervisors on June 8, 2005 (C7905092700). Reallocated funds will be used for the Big Fix Spay/Neuter Voucher Program. Reallocation in restricted funds include \$10,000 from the Volunteer portion of the Animal Welfare and Safety Net Division, \$5,639 from Spay Days, \$4,400 from Low-Income Spay Neuter Subsidy, and \$71,500 previously designated for a new Staff Veterinarian for the Animal Welfare and Safety Net Division. The remaining restricted funds do not apply to this change in designation.

Also, in accordance with A.R.S. §42-17106(B), approve the transfer of expenditure authority between the Non-Departmental (470) and Non-Departmental Grants Fund (249) and the Animal

Care and Control (790) Animal Care and Control Donations Fund (573). This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Non-Departmental Grants Fund (249) by \$91,539 and increasing the FY 2007-08 Animal Care and Control (790) Animal Care and Control Donation Fund (573) by \$91,539. These adjustments will result in a County-wide net financial impact of zero and will allow the Animal Care and Control Department to reallocate funding to the Big Fix Spay/Neuter Voucher Program.

Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908050700)

Finance

36. FUND TRANSFERS; WARRANTS – (APPROVED)

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

37. DECLARE REAL ESTATE PARCELS AS SURPLUS PROPERTY – (APPROVED)

Declare two real estate sub-parcels of parcel 401-30-015 west of the **Hassayampa Solid Waste Transfer Station**, described below, to be surplus property and authorize them to be sold at auction by Real Estate Services. These sub-parcels have been appraised by a State certified licensed appraisers and will be auctioned either by oral or sealed bid to the public or, if to a municipality or other government entity, at fair market value, without an auction, all as provided for in A.R.S. §11-251 Paragraph 9. Also, authorize the Chairman of the Board to execute all necessary documents approved by County Counsel to complete the sale of the parcels to the qualified bidder(s). (C1808034B00)

38. RENEGOTIATION OF ADMINISTRATIVE AGREEMENT FOR 457 DEFERRED COMPENSATION PLAN – (APPROVED)

Authorize the use of not-to-exceed \$10,000 from General Government (450) General Fund (100) Consultants Reserve (4524) for Mercer Consulting to assist with the renegotiation of the existing Administrative Agreement for the Maricopa County 457 Deferred Compensation Plan. (C1808035800)

Materials Management

39. SOLICITATION SERIALS – (APPROVED)

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award

- 07078-C Vehicle Emergency Light System, Light/Bar Components & Accessories (\$450,000 estimate/three years with three one-year renewal options)** Price agreement for the purchase of a full line of emergency vehicle equipment, lighting and related components for Maricopa County public safety vehicles as requested by the Equipment Services Department.
- Arizona Emergency Products
 - Drake Truck & Trailer
 - The Lighthouse, Inc.
 - LSH Lights
 - Tomar Electronics, Inc.
- 07125-RFP Head Start and Early Head Start Substitute Teachers and Teachers Aides (\$450,000 estimate/three years with three one-year renewal options)** Contract to provide Head Start and Early Head Start teachers, substitute teachers and teacher aides as required by the Human Services Department.
- Provincia Staffing

Renewals/Extensions

It is recommended that the Board of Supervisors approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until January 31, 2010

- 03198-C Paint and Paint Supplies (\$700,000 estimate/two years)** Price agreement renewal to provide paint and paint supplies as requested by the Facilities Management and Transportation Departments.
- Dunn-Edwards Corp.

Parks and Recreation

40. TRANSFER EXPENDITURE AUTHORITY FOR THE USERY ENTRY STATION PROJECT (APPROVED)

Pursuant to A.R.S. §42-17106(B), transfer expenditure authority of \$8,510 from the Restroom Projects Phase 3 (REST) project to the Entry Station, Monuments, and Restroom (ENTR) project within the Appropriated Fund Balance (480) General Fund Capital Improvement Fund (445).

Funding for both projects was approved by the Board of Supervisors on June 19, 2006 as a part of the FY 2006-07 Capital Improvement Program budget. The Restroom Projects Phase 3 project spending is projected to be under budget in FY 2007-08 and this action transfers funding between projects. (C3008013800)

ASSISTANT COUNTY MANAGER – REGIONAL DEVELOPMENT SERVICES

Planning and Development

41. IGA WITH THE CITY OF LITCHFIELD PARK – (APPROVED)

Approve an intergovernmental agreement between the **City of Litchfield Park** and Maricopa County allowing Maricopa County platting and permitting authority within city jurisdiction and authorize the execution thereof by the Chairman. The effective date of this agreement begins on October 17, 2007, and may not otherwise be terminated except by mutual agreement of the governing bodies of the City of Litchfield Park and Maricopa County. (C4408008000)

**42. ORDINANCE FOR MARICOPA COUNTY AGGREGATE MINING OPERATIONS DISTRICT #1
(APPROVED)**

Adopt Ordinance #1 for the Maricopa County Aggregate Mining Operations District #1 (C4408009000)

43. AMEND AGREEMENT WITH ORIGINAL LANDFILL AIRSPACE CITY OF SURPRISE AND WASTE MANAGEMENT RELATED TO NORTHWEST REGIONAL LANDFILL ORIGINAL LANDFILL AIRSPACE – (APPROVED AS REVISED)

Approve and execute Amendment No. 1 to Agreement (agenda item C67960312) between the City of Surprise, Waste Management Arizona Landfills, Inc a Delaware corporation formerly known as (fka) USA Waste Arizona Landfills, Inc., fka Sanifill of Arizona, Inc., and Maricopa County, to allow the height of 120 feet for the Northwest Regional Landfill and allow a disposal capacity consistent with the Original Landfill Airspace, as permitted by the original Special Use Permit approved by the Board on July 22, 1996. (F22338) (C4408010000) (C6796031200)

ASSISTANT COUNTY MANAGER – PUBLIC WORKS

Facilities Management

44. CONTRACT WITH GILBANE BUILDING COMPANY FOR DOWNTOWN COURT TOWER PROJECT – (APPROVED)

Approve and award the design phase services Contract no. FMD-07-041, in a form authorized by the County Attorney, to Gilbane Building Company of Phoenix, Arizona, in an amount not-to-exceed \$2,000,000, effective July 30, 2007. This contract is for the design phase of the Downtown Court Tower project located in Phoenix, Arizona (Project No. 3325-07-380). (C7008022500)

45. CONTRACT WITH PARCOMM FOR MANAGEMENT SERVICES FOR COURT TOWER PROJECT – (APPROVED)

Approve and award the program management services Contract No. FMD-08-020, in a form approved by the County Attorney, to PARCOMM, a subsidiary of Parsons Corporation of Phoenix, Arizona, in an amount not-to-exceed \$5,000,000 effective August 17, 2007. This contract is to provide program management and related services for the Maricopa County Downtown Court Tower project (Project No. 3325-07-380). (C7008024500)

Transportation

**46. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS
(APPROVED)**

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (The list is on file in the Clerk of the Board's office.) (ADM2007)

47. TRADE-IN OF EQUIPMENT – (APPROVED)

Pursuant to Maricopa County Procurement Code MC1-803.D.3., approve the trade-in of four used Caterpillar 140H Motor Graders, valued at \$436,000 to be used as credit toward the purchase of three new Caterpillar 140M Motor Graders from Empire Machinery under the terms of IGA #07147. The IGA was established by Materials Management on September 18, 2007, for the purpose of purchasing motor graders for the Maricopa County Department of Transportation (MCDOT).

The County asset numbers of the four used Caterpillar 140H Motor Graders are as follows:

M0200082 (2001 ser. 2ZK07295)
M0200085 (2002 ser. 2ZK07442)
M0200086 (2002 ser. 2ZK07610)
M0200087 (2002 ser. 2ZK07611)

The purchase price of the three new 140M Motor Graders is \$807,712.56. With the trade-in credit of \$436,000, the net cost to the County is \$371,712.56. (C6408097M00)

48. REIMBURSEMENT TO SRP REMOVAL AND RELOCATION OF POWER POLES (APPROVED)

Approve reimbursement to Salt River Project (SRP) in the amount of \$53,028 for the removal and relocation of their power poles in conflict with Maricopa County Department of Transportation (MCDOT) project T262, Riggs Road and Power Road Intersection Improvements. The cost may not exceed the estimated amount of \$53,028.00 by more than 10%.

Also, approve and execute the referenced SRP Design and Construction contract, SRP Job Order JE6-90135.

This approved reimbursement and executed contract will be in effect for two years from the date of approval by the Board of Supervisors. (C6408105100)

49. REIMBURSEMENT TO ROOSEVELT WATER CONSERVATION DISTRICT FOR RELOCATION OF IRRIGATION FACILITIES – (APPROVED)

Approve reimbursement to Roosevelt Water Conservation District (RWCD) for the costs incurred in the relocation of 150 feet of their piped irrigation facilities which is in conflict with MCDOT Project T156 – Chandler Heights Road at 124th Street. The cost may not exceed the current estimate of \$85,286 by more than 10%. This approved re-imbursement will be in effect for two years from the date of approval by the Board. (C6408106M00)

50. JOINT RESOLUTION WITH FLOOD CONTROL DISTRICT FOR THE SALE, EXCHANGE OF REAL AND PERSONAL PROPERTY – (APPROVED)

Adopt Joint Resolution, FCD 2007R009, between the Flood Control District of Maricopa County and the Maricopa County Department of Transportation authorizing and directing the Transportation Director of Maricopa County Department of Transportation and/or his designee to dispose by sale, exchange or other lawful means real and personal property, including dirt, trees, and other natural resources to any political subdivision. The joint resolution provides the Transportation Director and/or his designee the sole discretion to dispose the natural resources as deemed most advantageous to Maricopa County, including setting a price of zero ("0") dollars per unit. Sale of the natural resources to any other person or persons upon an invitation to bid

would be in compliance with the requirements of A.R.S. § 9-402. A corresponding agenda item is found on the Flood Control District agenda under C6908025600. (C6408111M00)

51. NEW TRAFFIC CONTROLS – (APPROVED)

Approve new traffic controls (No Stopping, Standing, Parking Anytime) on unincorporated right-of-way at the following location:

- a. **A NO STOPPING, STANDING, PARKING ANYTIME ZONE** on Lower Buckeye Road from 1,365 feet west of Central Avenue east to 4th Street. (Both sides) (C6408108000)
- b. **A NO STOPPING, STANDING, PARKING ANYTIME ZONE** on 115th Avenue from 200 Feet South of Pinehollow Drive north to 114th Avenue. (West side only) (C6408109000)

52. TRAFFIC CONTROL CHANGES – (APPROVED)

Approve a change in traffic controls (Four Way Stop) on unincorporated right-of-way at the following location:

A Four Way Stop (from a Two-Way east/west Stop) at Peoria Avenue and Sarival Avenue. This partially rescinds the Through Street Resolution on Sarival Avenue dated December 15, 1965. (C6408107000) (F23193)

53. EXTEND CONTRACT WITH SALT RIVER PROJECT – (APPROVED)

Approve an extension to the design and construction contract with Salt River Project (SRP) to June 30, 2008; and authorize expending the balance of the contract in the amount of \$11,303.85 from CIP Project TT114 in FY2008. The cost may not exceed the current total estimate of \$58,100.00 by more than 10%. (C6406045102)

54. AGREEMENT WITH TOWN OF QUEEN CREEK FOR IMPROVEMENTS – (APPROVED)

Approve the Agreement between Maricopa County, acting through the Maricopa County Department of Transportation (County), and the Town of Queen Creek (Town) for improvements to the intersection at Riggs Road and Sossaman Road. This Project (T261) is in coordination with an interrelated project between the County and the Queen Creek Unified School District (District). The purpose of this Agreement is to identify and define the responsibilities of the County and the Town for roadway improvements at the intersection of Riggs Road and Sossaman Road. The total cost of this Project is currently estimated at \$1,084,895. (C6408113200)

55. SOLICITATION OF BIDS FOR EL MIRAGE ROAD: DEER VALLEY ROAD TO LOOP 303, MCDOT PROJECT – (APPROVED)

Approve the solicitation of bids for El Mirage Road: Deer Valley Road to Loop 303, MCDOT Project No. T104A; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. (C6408114500)

56. APPLY AND ACCEPT A HIGHWAY EXPANSION AND EXTENSION LOAN PROGRAM (APPROVED)

Authorize Maricopa County's Department of Transportation to apply for and accept a "Highway Expansion and Extension Loan Program" (HELP) loan from Arizona Department of Transportation in FY 2007-08 in an amount of up to \$25,683,000 to purchase the right-of-way

needed for two Transportation Improvement Program (TIP) projects: This item was continued from the December 5, 2007 meeting. (Supervisory District 5) (C6408090000)

- MC 85 from 107th Avenue to 91st Avenue; and
- MC 85 from 91st Avenue to 75th Avenue.

BOARD OF SUPERVISORS

Clerk of the Board

57. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

- a. **Community Development Advisory Committee** – Accept the **resignation** of Levi Beard and **Appoint** Councilman Dave Rioux as the Alternate Representative for the Town of Buckeye to the Community Development Advisory Committee (CDAC). The term of appointment will be effective as of the date of Board approval through June 30, 2008. (C1708035900) – **(APPROVED)**
- b. **Air Pollution Hearing Board** - Approve the **reappointment** of Kim MacEachern to the Air Pollution Hearing Board as nominated by Supervisory District 3. The term of the appointment will be effective as of the date of Board approval through August 23, 2008. (C0608049900) – **(APPROVED)**

58. INDUSTRIAL DEVELOPMENT AUTHORITY – (APPROVED)

This item is being considered by the Board of Supervisors solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued: (C1808032A00)(ADM4792)

Adopt a Resolution granting approval to The Industrial Development Authority of the County of Maricopa Single Family Mortgage Revenue Bonds, Series 2007 to be issued in one or more series in an aggregate principal amount not to exceed \$400,000,000, including the adoption of a resolution authorizing and approving the issuance and sale of the bonds, the General Plan and the Standards and Requirements and other matters necessary or desirable for the issuance and sale of the bonds.

59. INDUSTRIAL DEVELOPMENT AUTHORITY (GOODWILL INDUSTRIES OF CENTRAL ARIZONA, INC. PROJECT) – (APPROVED)

Adopt a Resolution ratifying Tom Manos or his designee conducting two required public hearings and approve the issuance by the **Industrial Development Authority of the Town of Florence, Arizona** (the Authority) of its Industrial Development Revenue Bonds (Goodwill Industries of Central Arizona, Inc. Project), Series 2007, execution and delivery of certain lease documents by the Authority, to assist in financing certain facilities and equipment at locations in Maricopa County and execution of an agreement whereby the borrower indemnifies Maricopa County for any and all claims arising from this transaction. (C1808033000)

60. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS – (APPROVED)

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

SETTING OF HEARINGS

~All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted~

Assessor

**61. ADOPTION OF FEE SCHEDULE FOR IS AND GIS DATA PRODUCTS AND SERVICES
(APPROVED)**

Pursuant to A.R.S. §11-251.08, set a public hearing for January 16, 2008, to consider the adoption of a proposed fee schedule charge for IS and GIS data products and services offered by the Assessor's Office, to be effective upon Board approval. Included in this proposed fee schedule is a new fee for rental registration, which permits the Assessor's Office to charge ten dollars for all rental property registrations and rental property registration changes as specified in A.R.S. §33-1902(I). (C1208004M00)

Transportation

62. ROAD FILE DECLARATION – (APPROVED)

Set a public hearing to declare the following roads into the county highway system for 9:00 a.m., Wednesday, January 16, 2008.

Road File No. (A388). In the vicinity of said alignment is also known as (various streets, in the Town of Guadalupe, known as Calle Pitaya from Avenida Del Yaqui to Calle Gloria, Calle Gloria from Avenida Del Yaqui to Calle Batoua, Calle Batoua from Calle Pitaya to Calle Sonora, Mesquite Place from Calle Batoua to North Branch Highland Canal, Calle Sonora from Calle Batoua to Calle Vaou Nawi, Calle Batoua from Calle Sonora to Calle Magdalena, Calle Tomi from Calle Sonora to Calle San Angelo, Calle Magdalena from Avenida Del Yaqui to Calle Batoua, Calle Magdalena from Calle Tomi to Calle Vaou Nawi, Calle Batoua from Calle Magdalena to Calle San Angelo, Calle San Angelo from Avenida Del Yaqui to Calle Vaou Nawi, Calle Vaou Nawi from Calle San Angelo to Calle Iglesia, Calle Batoua from Calle Iglesia to Calle Mexico,

Calle Tomi from Calle Iglesia to Calle Mexico, Calle Vauo Nawi from Calle Iglesia to Calle Mexico (Supervisory District 5) (C6408110000)

CONSENT AGENDA

Clerk of the Board

63. **Arizona Pollution Control Corporation** – Approve the Proceedings of Maricopa County, Arizona Pollution Control Corporation for the issuance of not-to-exceed \$60,300,000 Maricopa County, Arizona Pollution Control Corporation Pollution Control Revenue Refunding Bonds, 2008 Series (Public Service Company of New Mexico Palo Verde Project). (ADM5134) – **(APPROVED)**
64. **ASRS Claims** – Authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (Claims are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3309-001) **(APPROVED)**
65. **Canvass of Elections** – Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4300) – **(APPROVED)**
66. **Classification Changes** – Approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (List is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule.) (ADM723) – **(APPROVED)**
67. **Combined Charitable Campaign** – Authorize the acceptance of cash, not-to-exceed \$6,500.00, and in-kind contributions generated for the 2007 Combined Charitable Campaign through corporate sponsorships and donations. These contributions will support the expenses associated with the Maricopa County 2007 Combined Charitable Campaign and will also be used as incentives to encourage employee participation. Itemized listings of commitments and donations received are on file in the Clerk of the Board's Office. Approve depositing these funds into the General Fund (100). (ADM3311-001) – **(APPROVED)**
68. **Donations** – Accept the donation reports received from county departments for November 2007 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1810) – **(APPROVED)**
69. **Duplicate Warrants** – Necessary affidavits having been filed, pursuant to A.R.S. §11-632, approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1823) (ADM3809) – **(APPROVED)**
70. **Market Ranges** – Approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (List of additional and/or replacement market ranges are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3308-006) – **(APPROVED)**

71. **Minutes** – Approve the minutes of the Board of Supervisors meetings held October 10, 2007. **(APPROVED)**
72. **County Fair Racing Meet** - Pursuant to A.R.S. §11-251.24, authorize the Maricopa County Fair, Inc., to conduct a county fair racing meet under the terms and at such time as provided in the application for the racing permit by the Maricopa County Fair, to the Arizona Department of Racing. (ADM150) – **(APPROVED)**
73. **Precinct Committeemen** – Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1701) – **(APPROVED)**
74. **Secured Tax Roll Corrections** – Approve requests from the Assessor for correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM705) – **(APPROVED)**
75. **Settlement of Property Tax Cases** – Approve the settlement of tax cases dated December 19, 2007. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM704) – **(APPROVED)**
76. **Stale Dated Warrants** – The Board of Supervisors finds that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (A list of claims is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1816) – **(APPROVED)**
77. **Tax Abatements** – Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM708) – **(APPROVED)**

FLOOD CONTROL DISTRICT AGENDA

FCD-1. Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910) **(APPROVED)**

FCD-2. IGA WITH U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE FOR FLOOD RETARDING STRUCTURE REHABILITATION PROJECT – (APPROVED)

Approve Amendment No. 5 (FCD 2004A006E) to Intergovernmental Agreement (IGA) FCD 2004A006 between the United States Department of Agriculture Natural Resources Conservation Service (NRCS) and the Flood Control District of Maricopa County (District) for the White Tanks No. 3 Flood Retarding Structure (FRS) Rehabilitation Project (Project). This Amendment is to increase the federal cost share obligation for this Agreement by \$1,000,000.00. (C6904101205)

FCD-3. IGA WITH MAGMA FLOOD CONTROL DISTRICT REGARDING RAIN GAUGE AND WATER LEVEL MONITOR – (APPROVED)

Approve Intergovernmental Agreement (IGA) FCD 2007A011 between the Magma Flood Control District (MAGMA) and Flood Control District of Maricopa County (District). The purpose of this Agreement is to define the roles and responsibilities of the District and MAGMA regarding the rain gauge and water level monitor located at the Magma Dam in Pinal County. (C6908020200)

FCD-4. JOINT RESOLUTION WITH MCDOT FOR THE SALE, EXCHANGE OF REAL AND PERSONAL PROPERTY – (APPROVED)

Adopt Joint Resolution, FCD 2007R009, between the Maricopa County Department of Transportation and Flood Control District of Maricopa County authorizing and directing the Chief Engineer and General Manager of the Flood Control District to dispose by sale, exchange or other lawful means real and personal property, including dirt, trees, and other natural resources to any political subdivision upon such term as in his sole discretion and deemed most advantages, including a price of zero dollars per unit or his designee to sell these natural resources to any other person or persons upon an invitation to bid in compliance with the requirements of A.R.S. § 9-402. A corresponding agenda item is found in the Board of Supervisors' agenda under C6408111M00. (C6908025600)

FCD-5. RESOLUTION RELATED TO EAST MESA DRAINS REACH 4 AND REACH 7 – CHANNEL IMPROVEMENTS – (APPROVED)

Adopt Resolution FCD 2007R011, authorizing the design, preparation of construction documents, acquisition of additional rights-of-way or easements, utility relocations, and the construction for the East Mesa Drains Reach 4 and Reach 7 – Channel Improvements. The total project cost is estimated to be \$ 900,000, including design, 404 permits, utility relocations, additional rights-of-way, construction, and construction management. Funding will be from the District's Capital Improvement Program. (C6908027600)

FCD-6. IGA WITH CITY OF PHOENIX RELATED TO PHOENIX DETENTION BASIN NO. 7 DAM REHABILITATION PROJECT – (WITHDRAWN)

Approve IGA FCD2007A012 between the Flood Control District of Maricopa County and the City of Phoenix for cost sharing and implementation of; design, construction and construction management of the Phoenix Detention Basin No. 7 Dam Rehabilitation Project (Project). The estimated cost of the Project, including, design, construction and construction management is \$1.2 million. These project costs will be shared equally, 50% for the District and 50% for the City. (C6908028200)

FCD-7. SELL EXCESS PARCEL – (APPROVED)

Authorize the Flood Control District to sell excess parcel (as listed below) in FY 2007-08. The District will utilize its Disposition Program, continuing to evaluate and analyze the best potential of leasing or sales of all real property based on prevailing market conditions. The sale price will be fair market value, to be determined by a certified licensed appraiser, either at the start point of an oral auction, or, in the event of a sale to a municipality, at fair market value without an auction. If an auction takes place, District staff will sell the parcel in compliance with A.R.S. §9-402, which mandates that an invitation for bid be published for the sale of all real property. (C6908030B00)

- FCD Parcel: T-377A – APN - Portion of 158-31-013B

LIBRARY DISTRICT AGENDA

LD-1. DONATIONS – (APPROVED)

Accept the donation reports received for November 2007 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM2800-006)

STADIUM DISTRICT AGENDA

SD-1. AUTHORIZE AUCTION OF DECLARED SURPLUS AND DISPOSITION OF FIXED ASSETS (APPROVED)

Declare as surplus and authorize the disposition of fixed assets such as suite furniture, building materials and equipment that are no longer needed for operations of Chase Field. Authorize the utilization of an internet auction process for the disposition of remaining surplus items. (C6808005M00)

SD-2. DECLARE AS SURPLUS AND AUTHORIZE SALE OF JUMBOTRON VIDEO BOARD AND EQUIPMENT – (APPROVED)

Declare as surplus and, in accordance with MCI-803(E) of the District Procurement Code, with unanimous consent of the Board, authorize the sale of the Chase Field Sony Jumbotron video board and related parts and equipment to the City of San Diego at fair market value as determined in consultation with the District's video board consultant; and authorize the execution of any and all documents necessary to effect the transaction. The equipment will be conveyed on an "as is where is" basis with no warranty. The City of San Diego will incur all costs and responsibility for transporting the Jumbotron and the other equipment. (C6808008M00)

SD-3. TRADE OF A SONY DVS 7000 PRODUCTION SWITCHER – (APPROVED)

Approve the trade of a Sony DVS 7000 Production Switcher Serial Number 10059 valued at \$40,000 to allow the Stadium District to receive credit toward the purchase of an upgraded Sony MVS8000G Production Switcher. The contract vendor is Mortenson Construction. Section MCI-803(D)(3) of the Maricopa County Stadium District Procurement Code, provides that surplus materials may be disposed of by trade-in with the approval of the Board of Directors. The Sony DVS 7000 Production Switcher will utilize this trade-in value in conjunction with the purchase of a new Sony MVS8000G Production Switcher which will replace this outdated equipment which has exceeded its useful life cycle. (C6808006M00)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

78. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to the Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.) (ADM605) – **(NO ACTION)**

79. Supervisors'/County Manager's summary of current events. (ADM606) – **(NO ACTION)**

*****The Board of Supervisors will now consider matters related to Planning and Zoning.*****

PLANNING AND ZONING AGENDA

REGULAR AGENDA: **(Detailed below)**

1. TA2007-020, Text Amendment to adopt the 2006 International Plumbing Code (All Districts) (Continued from 12/05/07) – **(APPROVED)**
2. CPA2007-08, Comprehensive Plan Amendment (CPA) to change the land use designation in Maricopa County's "Eye to the Future 2020" Comprehensive Plan from Rural Development Area to Industrial for an automobile proving ground facility, located approximately 10 miles west of the Town of Gila Bend and approximately two miles south of Interstate 8 (District 5) (Adoption is by Resolution) – **(APPROVED WITH REVISIONS TO STIPULATION "K")**
3. CPA2007-09, Comprehensive Plan Amendment (CPA) to change the land use designation in the White Tank/Grand Avenue Area Plan from Rural Residential (0-1 dwelling units/acre) to Small Lot Residential (2-5 dwelling units/acre) and High Density Residential (15+dwelling units/acre), located on the Southwest corner of 227th Avenue & the Carefree Highway alignment & Grand Avenue (US 60) (District 4) (Adoption is by Resolution) – **(CONTINUED TO 02/20/08)**
4. CPA2007-10, Comprehensive Plan Amendment (CPA) to change the land use designation in Maricopa County's Comprehensive Plan from Rural Development Area to Industrial, located on the south side of Interstate 8, approximately one mile west of the Painted Rock Dam Road alignment (District 5) (Adoption is by Resolution) – **(APPROVED)**
5. CPA2007-11, Comprehensive Plan Amendment (CPA) to change the land use designation in the Tonopah/ Arlington Area Plan from Rural (0-1 dwelling units/acre) and Community Retail Center to Small Lot Residential (3-5 dwelling units/acre), Medium Density Residential (5-15 dwelling units/acre), High Density Residential (15+ dwelling units/acre), Mixed Use (15+dwelling units/acre), Office, Community Retail Center, Dedicated Non-Developable Open Space and Hotel, located at the southwest corner of Interstate-10 & Wintersburg Road (District 4) (Adoption is by Resolution) – **(APPROVED)**
6. DMP2006-018, Development Master Plan (DMP) Major Amendment located six miles east of Fountain Hills and north and south of the Beeline Highway (State Highway 87) (District 2) **(APPROVED WITH REVISIONS TO STIPULATIONS)**
7. Z2006-075, Special Use Permit (SUP) in the Rural-43 zoning district, located south of Riggs Road and east of Hawes Road (in the Queen Creek area) (District 1) – **(CONTINUED TO 01/16/08)**
8. Z2006-154, Major Amendment to an approved Special Use Permit (SUP) in the Rural-43 zoning district (site is partially located within the High Noise and Accident Potential zone for the Luke AFB Auxiliary 1 facility), located south of Happy Valley Road and west of 199th Avenue (in the Surprise area) (District 4) – **(APPROVED WITH REVISED TO STIPULATION "M")**
9. S2007-007, Final Plat in the IND-2 zoning district, located at the southwest corner of Camelback Road & El Mirage Road (in the Litchfield Park area) (District 4) – **(APPROVED)**

10. S2007-054, Replat in the R-4 RUPD zoning district, located south of Jomax Road and west of Dysart Road (in the Peoria area) (District 4) – **(APPROVED)**

REGULAR AGENDA DETAIL:

1. **TA2007-015** All Districts

Applicant: Commission Initiative
Location: County-wide
Request: Text Amendment to the Maricopa County Local Addition and Addenda to adopt the 2006 International Plumbing Code

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of TA2007-015. Commissioner Brooks seconded the motion, which passed with a unanimous vote of 8-0.

2. **CPA2007-08** District 5 (Adoption is by Resolution)

Applicant: Withey Morris, PLC for Arizona State Land Department and Volkswagen of America, Inc.
Location: Approximately 10 miles west of the Town of Gilla Bend and approximately 2 miles south of Interstate 8
Request: Change Comprehensive Plan land use designation from Rural Development Area to Industrial for an automobile proving ground facility (approximately 12,135 acres) – Gila Bend Proving Grounds

COMMISSION ACTION: Commissioner Johnson moved to recommend approval of CPA2007-08, subject to stipulations “a” through “l”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the narrative report entitled, “Volkswagen of America, Inc., Major Comprehensive Plan Amendment”, a document consisting of twenty-six (26) pages dated September 7, 2007, and stamped received October 16, 2007, except as modified by the following stipulations.
- b. If a Special Use Permit to allow an automobile proving ground facility has not been approved by the Board of Supervisors within five (5) years from the date of comprehensive plan amendment approval, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Industrial designation back to the previous Rural Development Area designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.
- c. When the Special Use Permit to allow an automobile proving ground facility has expired, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Industrial designation back to the previous Rural Development Area designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.

- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this major comprehensive master plan due to non-compliance with any of the approved stipulations or other conditions of approval.
- e. That the following Drainage Administration stipulations shall apply:
 - 1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
 - 2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- f. The following MCDOT stipulations shall apply:
 - 1. The applicant shall provide a Traffic Impact Study (TIS.) The TIS shall comply with MCDOT requirements and include information as to the number, type, origination/destination of trips generated, etc. The TIS must be approved before any subsequent approvals (Special Use Permit.) The project must comply with all recommendations in the MCDOT-approved TIS.
 - 2. Thayer Road, west of SR 85 and east of State Land traverses through private property. The Applicant should obtain legal right to operate and maintain the private access road. Maricopa County plans to cease and desist maintenance of the current portions of Thayer Road (0.8 miles west of SR 85) and Potatoe Road beginning in section 10/11-6S-6W (4.5 miles.) It is recommended that the applicant obtain a private maintenance agreement between the Arizona State Land Department (ASLD) and/or the Town of Gila Bend for continued maintenance of the 13 mile private access road.
 - 3. Per item #2, provide information as to the type of road that will be constructed (i.e. dirt, asphalt, chip seal.)
- g. The following MCESD stipulations shall apply:
 - A new Public Water System (PWS) will be required for this project. A PWS number must be obtained from MCESD prior to any support for further entitlements.
- h. That the following Sheriff's Office stipulations shall apply:
 - 1. Adequate lighting shall be installed at the main entrance for nighttime security.
 - 2. That a sign be installed at the main entrance indicating the owner/operators immediate 24 hour emergency contact information.
- i. The following ADOT stipulations shall apply:
 - 1. Submit a Traffic Impact Analysis for review and comment at the time of Special Use Permit application submittal.

2. That new auxiliary lanes for egress and ingress shall be provided along State Route 85 at Thayer Road intersection or new access improvements at I-8 if deemed necessary by ADOT and approved Traffic Impact Analysis to accommodate the increased turning movements generated by this development.
- j. That the following Luke Air Force Base stipulations apply:
 1. Outside lighting shall be directed downward.
 2. The proposed use shall not be operated in a manner that would impair visibility or otherwise interfere with operating aircraft.
- k. That the following SHPO stipulation shall apply:
 - An archaeological survey of the subject property shall be conducted prior to approval of Special Use Permit to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
- l. That the following State Fire Marshall's stipulations shall apply:
 1. Provide water to meet fire flow requirements based on type of construction and sizes of buildings.
 2. Provide fire lanes for emergency response access with 25 feet inside and 50 feet outside turning radii.
3. **CPA2007-09** District 4 (Adoption is by Resolution)

Applicant:	Withey Morris, PLC for BVPG Holdings, LLC
Location:	Southwest corner of 227th Avenue and the Carefree Highway alignment & Grand Avenue (US 60)
Request:	Change the White Tank/Grand Avenue Area Plan land use designation from Rural Residential (0-1 d.u./ac.) to Small Lot Residential (2-5 d.u./ac.) and High Density Residential (15+ d.u./ac.) (approximately 157.2 acres) – Grand Oasis

COMMISSION ACTION: Commissioner Aster moved to recommend approval of CPA2007-09, subject to stipulations "a" through "m". Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall comply with the Comprehensive Plan Amendment document entitled "Grand Oasis - A Residential Subdivision", a bound document, dated October 19, 2007, including all exhibits, maps, and appendices, except as modified by the following stipulations.

- b. Changes to the Grand Oasis Major Comprehensive Plan Amendment with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Comprehensive Plan Amendment Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. Non-compliance with the approved Grand Oasis Major Comprehensive Plan Amendment, including the narrative report, maps, exhibits, or approved stipulations, constitute a violation in accordance with the Maricopa County Zoning Ordinance.
- c. If the initial final plat for this project has not been approved within seven (7) years from the date of comprehensive plan amendment approval, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Small Lot Residential (2-5 d.u./ac.) and the High Density (15+ d.u./ac) back to the previous Rural Residential (0-1 d.u./ac) designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.
- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this major comprehensive master plan due to non-compliance with any of the approved stipulations or other conditions of approval.
- e. The total number of residential units shall not exceed 1,176 dwelling units.
- f. Not less than 8% of open space shall be provided for mini-parks, parks or other open space uses. A description of the types of recreational amenities that will be included in the open space and mini-park areas shall also be submitted with all zone change applications and with all preliminary plats to the Maricopa County Planning and Development Department.
- g. Prior to any zoning change, the master developer shall enter into a pre-annexation service agreement with the City of Surprise. Further, prior to any rezoning approval this pre-annexation service agreement shall be signed by both the Master Developer and the designated City of Surprise representatives and provided to the Maricopa County Planning and Development Department for public record.
- h. The following MCDOT stipulations shall apply:
 - 1. The Developer shall provide a new Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to any zoning (rezoning) and/or plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite alignments will be reviewed with each re-submittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
 - 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct certain off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways,"

must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT shall require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Developer does not construct certain off-site street improvements, the Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.

3. If required per item #2 above, a Development Agreement shall be executed prior to any zoning or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Applicant shall provide right-of-way for all public roadways as follows:
 - a) Arterials: 65 Feet Half-width; 130 Feet Full-width
 - b) Collectors: 40/30 Feet Half-width; 80/60 Feet Full-width
 - c) Residential/Locals: 25 Feet Half-width; 50 Feet Full-width
5. The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments). Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where 'half' of the roadway is within the development (perimeter roadways). Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate dual left turn lanes, including reverse curves.
6. The Developer shall be responsible for the design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways. Where applicable, "half-width" construction must safely convey two directions of traffic until the ultimate roadway is constructed. All roadways must meet all county standards in effect at the time. (This includes, but is not limited to the "MCDOT Roadway Design Manual," including ITS infrastructure requirements and the "Drainage Policies and Standards for Maricopa County.") The Developer shall relocate any "obstructions" (well sites, etc.) and/or provide additional right of-way in the event of conflict with any transportation facilities. Roadway improvement plans must be approved and permitted by MCDOT.
7. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicants contribution referred to in item 2.
8. The Developer shall provide all-weather access to all parcels and lots.
9. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
10. The Developer shall not locate elementary or middle schools on arterial roads. (The schools may not "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.

11. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation between uses within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated.
 12. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
 13. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
 14. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
 15. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
 16. The Developer shall coordinate with the City of Surprise and provide written documentation of the City's comments.
 17. The Developer shall coordinate with ADOT and provide written documentation of ADOT's review and requirements.
- i. Prior to the approval of the first Final Plat or the first Approval to Construct (whichever comes first), final detailed Water and Wastewater Master Plans (both onsite and offsite) must be submitted to MCESD, under application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of these Final Master Plans. A Certificate of Assured Water Supply must be obtained for the development prior to recordation of the final plat. Approval is predicated on water and sewer services being provided by the City of Surprise.
- j. The following Drainage Administration stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
 2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- k. The following Maricopa County Library District stipulation shall apply:
- A quality of life assessment of \$596 for each housing unit built shall be made available to the Maricopa County Library District at the time of building permit issuance.

I. The following SHPO stipulation shall apply:

- Prior to zone change application, the applicant submit to SHPO the proposed treatment plan for AZ T:2:50 (ASM) as recommended in the cultural resources survey [An Archaeological Survey of 158 Acres for the Grand Oasis Development Located Approximately 1.5 Miles Northwest of Wittmann in Northern Maricopa County, Arizona] by SWCA Environmental Consultants.

m. The following LAFB stipulation shall apply:

The master developer shall notify future homeowners that they are located within the state-defined "Luke AFB Auxiliary Field #1" with the following language:

"You are buying a home or property near the Luke AFB Auxiliary Field #1. Aircraft flying in this auxiliary field are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 13,000 flight operations per year over the auxiliary field. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the base to the auxiliary field and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

4. **CPA2007-10** District 5 (Adoption is by Resolution)

Applicant: Lazarus & Associates for Verma Family, LP
Location: South side of Interstate-8, approximately 1 miles west of the Painted Rock Dam Road alignment
Request: Change Comprehensive Plan land use designation from Rural Development Area to Industrial for a grain handling/processing facility – Painted Rock Grain Handling Facility

COMMISSION ACTION: Commissioner Johnson moved to recommend approval of CPA2007-10, subject to stipulations "a" through "j". Commissioner Aster seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the narrative report entitled, " A Major Comprehensive Plan Amendment Painted Rock Grain Handling Facility", a document consisting of ten pages dated October, 2007, and stamped received October 25, 2007, except as modified by the following stipulations.
- b. If a Special Use Permit to allow a grain handling/processing facility has not been approved by the Board of Supervisors within three (3) years from the date of comprehensive plan amendment approval, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Industrial designation back to the previous Rural Development Area designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.
- c. When the Special Use Permit to allow a grain handling/processing facility has expired, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Industrial designation back to the previous Rural Development Area designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.
- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this major comprehensive master plan due to non-compliance with any of the approved stipulations or other conditions of approval.
- e. The following MCESD stipulation shall apply:

The total number of employees at the site shall be capped at (15) fifteen. A Public Water System will be required if additional employees exceeding fifteen are required.
- f. The following SHPO stipulation shall apply:

An archaeological survey of the subject property shall be conducted prior to approval of any Special Use Permit to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
- g. The following Drainage Administration stipulations shall apply:
 - 1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
 - 2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to

future designs that are not in conformance with the Drainage Regulation and design policies and standards.

- h. That the following Arizona State Fire Marshall's stipulations shall apply:
 - 1. Provide water for fire flow requirements for administration.
 - 2. All construction is to meet the requirements of the Building Code Official having jurisdiction.
- i. That the following ADOT stipulation shall apply:

That no building permits be issued prior to the applicant obtaining legal access from ADOT.
- j. That the following Luke Air Force Base stipulation shall apply:

That construction plans be submitted to Luke Air Force Base for review and comment prior to issuance of any development permits. (Construction plans and oversized construction equipment may require submittal of an FAA Form 7460-1, Notice of Proposed Construction or Alteration.)

5. **CPA2007-11** District 4 (Adoption is by Resolution)

Applicant: Burch Cracchiolo, PA for Power Center 379, LLC, et al
Location: Southwest corner of Interstate-10 and Wintersburg Road
Request: Change the Tonopah/Arlington Area Plan from Rural (0-1 d.u./ac.) and Community Retail Center to Small Lot Residential (3-5 d.u./ac.), Medium Density Residential (5-15 d.u./ac.), High Density Residential (15+ d.u./ac.), Mixed Use (15+ d.u./ac.), Office, Community Retail Center, Dedicated Non-Developable Open Space, and Hotel – Encanto Village

COMMISSION ACTION: Commissioner Johnson moved to recommend approval of CPA2007-11, subject to stipulations "a" through "o". Commissioner Aster seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall comply with the Comprehensive Plan Amendment document entitled "Major Comprehensive Plan Amendment for Encanto Village", a bound document, dated September 14, 2007, and stamped received September 14, 2007, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Changes to the Encanto Village Major Comprehensive Plan Amendment with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Comprehensive Plan Amendment Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. Non-compliance with the approved Encanto Village Major Comprehensive Plan Amendment, including the narrative report, maps, exhibits, or approved stipulations, constitutes a violation in accordance with the Maricopa County Zoning Ordinance.
- c. The initial final plat and precise plan of development for the Encanto Village Major Comprehensive Plan Amendment shall be approved by the Board of Supervisors within five (5) years of approval of this comprehensive plan amendment. If the initial final plat

and precise plan of development has not been approved within this timeframe, this major comprehensive plan amendment shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Development Department, for possible revocation of this major comprehensive plan amendment. If revoked, all zoning and other entitlement changes approved that are associated with the Encanto Village Major Comprehensive Plan Amendment shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.

- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this major comprehensive master plan due to non-compliance with any of the approved stipulations or other conditions of approval.
- e. The total number of residential units shall not exceed 1,504 dwelling units.
- f. Not less than 20 gross acres of open space be provided for mini-parks, parks or other open space uses. A description of the types of recreational amenities that will be included in the open space and mini-park areas shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department.
- g. Not less than 21 gross acres be provided be provided for Office employment uses and not less than 4 gross acres be provided for Hotel uses.
- h. Unless agreed to by the Maricopa County Planning and Development Department, prior to any zoning change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to any rezoning approval this development agreement shall be signed by both the master developer and the designated Maricopa County representatives and provided to the Maricopa County Planning and Development Department for public record.
- i. The following MCDOT stipulations shall apply:
 - 1. The Owner/Developer shall provide a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to any zoning (rezoning) and/or plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite alignments will be reviewed with each re-submittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
 - 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct certain off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Developer does not construct certain off-site street improvements, the Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.

3. If required per item #2 above, a Development Agreement shall be executed prior to any zoning or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Owner/Developer shall provide the ultimate half-width of right-of-way for all public roadways as follows:
 - a) Arterials: 65 Feet Half-width; 130 Feet Total-width
 - b) Collectors: 40/30 Feet Half-width; 80/60 Feet Total-width
 - c) Residentials/Locals 25 Feet Half-width; 50 Feet Total width
 - d) Parkway/enhancement roadway; 100 Feet Half-width
5. The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments). Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where 'half' of the roadway is within the development (perimeter roadways). Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate dual left turn lanes, including reverse curves.
6. The Developer shall be responsible for the design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways. Where applicable, "half-width" construction must safely convey two directions of traffic until the ultimate roadway is constructed. All roadways must meet all county standards in effect at the time. (This includes, but is not limited to the "MCDOT Roadway Design Manual," including ITS infrastructure requirements and the "Drainage Policies and Standards for Maricopa County.") The Developer shall relocate any "obstructions" (well sites, etc.) and/or provide additional right of-way in the event of conflict with any transportation facilities. Roadway improvement plans must be approved and permitted by MCDOT.
7. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Developer contribution referred to in item 2.
8. The Developer shall provide all-weather access to all parcels and lots.
9. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
10. The Owner/Developer shall not locate elementary or middle schools on arterial roads. (The schools may not "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersection.
11. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation between uses within and adjacent to

the site, by means in addition to the roadways system. Crossings of arterials at other than signalized intersections may be required to be grade separated.

12. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets to initiate the Improvement District process to initiate the SLID process.
13. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
14. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
15. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
16. The Owner/Developer shall provide written documentation of ADOT's review and response. Such documentation shall be received before any zoning (rezoning) or preliminary plat approval.

- j. That the following Environmental Services Department stipulation shall apply:

Prior to the approval of the first Final Plat or the first Approval to Construct (whichever comes first), final detailed Water and Wastewater Master Plans (both onsite and offsite) must be submitted to MCESD, under application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of these Final Master Plans. A Certificate of Assured Water Supply must be obtained for the development prior to recordation of the final plat.

- k. That the following Parks and Recreation Department stipulation shall apply:

At the time each residential building permit is issued, TWO-HUNDRED FIFTY DOLLARS (\$250) per residential unit will be paid by the developer to a Park Enhancement Fund for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the Parks Special Revenue Fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Encanto Village residents. Details regarding this assessment are to be addressed in the development agreement.

- l. The following SHPO stipulation shall apply:

An archeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by

development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.

m. The following Drainage Administration stipulations shall apply:

1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.

n. The following Flood Control District stipulation shall apply:

That the floodplain be shown on the Land Use Plan.

o. The following Luke Air Force Base stipulation shall apply:

The master developer shall notify future homeowners that they are located within the state-defined "Military Training Route" with the following language:

"You are buying a home or property under an existing Military Training Route (VR-231 A-B 100.) Aircraft flying in this Training Route are authorized to fly as low as 300 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

6. **DMP2006-018 District 2**

Applicant: CMX, LLC for Goldfield Preserve Development, LLC
Location: Approximately 6 miles east of Fountain Hills, north and south of the Beeline Highway (State Hwy 87)
Request: Development Master Plan (DMP) Major Amendment as a protected development right plan (approximately 2,079 acres) – The Preserve at Goldfield Ranch

COMMISSION ACTION: Commissioner Barney moved to recommend approval of DMP2006-018, subject to stipulations “a” through “z”. Commissioner Bowers seconded the motion, which passed with a majority vote of 5-1, with Commissioner Aster dissenting.

NOTE: Commissioner Aster clarified that he was always in favor of approving the DMP. His opposition to the vote today was simply to not provide a Protected Development Right at this juncture in the process.

- a. Development and use of the site shall comply with the narrative report titled The Preserve at Goldfield Ranch Development Master Plan dated revised July 2, 2007 and stamped received September 18, 2007, consisting of 67 pages, including the land use map dated November 1, 2007, as well as all appendices and all figures and tables except as modified by the following stipulations.
- b. Changes to the Preserve at Goldfield Ranch Development Master Plan with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. The Maricopa County Planning and Development Department may administratively approved minor changes to the Preserve at Goldfield Ranch Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved narrative report, maps, exhibits, or approved stipulations, constitutes a violation in accordance with the Maricopa County Zoning Ordinance.
- c. If the initial final plat has not been approved within five (5) years from the date of the Board of Supervisor’s approval of this Development Master Plan approval, this Development Master Plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revocation of the adopted Development Master Plan. Further, should this Development Master Plan be rescinded, all zoning and other entitlement changes approved as part of the Preserve at Goldfield Ranch Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Planning and Zoning Commission, to the previous entitlements.
- d. Prior to approval of any zoning change for the Preserve at Goldfield Ranch Development Master Plan, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- e. The Preserve at Goldfield Ranch master homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and amenities;

washes; parks; roadway median landscaping; landscaping within public rights-of-way; all pedestrian, bicycle, and multi-use paths; and other community amenities.

- f. Prior to approval of each final plat for the Preserve at Goldfield Ranch Development Master Plan, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation and disposition for each of the selected native vegetation.
- g. Concurrent with each preliminary plat application for the Preserve at Goldfield Ranch Development Master Plan, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa County Bicycle Transportation Plan.
- h. To the maximum extent feasible irrigation water supplied for common and open space areas and lakes shall be supplied by a renewable water supply, such as treated effluent, surface water or Central Arizona Project (CAP) water by build out. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply to the maximum extent feasible shall be provided to Maricopa County Planning and Development Department at build out.
- i. The total number of residential dwelling units for the Preserve at Goldfield Ranch Development Master Plan shall not exceed 1,000 residential units. To help ensure compliance, the cumulative number of dwelling units permitted to that point shall be identified on each preliminary and final plat.
- j. Up to a 10% change in the total number of residential dwelling units within a parcel may be approved administratively by the Maricopa County Planning and Development Department. Any changes greater than 10% in the number of residential dwelling units within a parcel will require a Major Amendment subject to approval by the Board of Supervisors upon recommendation by the Planning and Zoning Commission. In any case the maximum number of dwelling units shall not exceed 1,000 units.
- k. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Preserve at Goldfield Ranch Development Master Plan every five years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units permitted and platted to that point, locations of parcels/areas under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented, and any other information as requested by the Maricopa County Planning and Development Department.
- l. Until annexation of the entire Preserve at Goldfield Ranch DMP, the master developer shall notify all future residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to most municipally-managed services. Such notice shall be included on all plats, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- m. All park facilities shall be completed concurrent with any residential development within a respective parcel(s) as shown on each plat. Park facilities and amenities shall be

identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.

- n. Prior to approval of any preliminary plat for the Preserve at Goldfield Ranch Development Master Plan, the applicant shall provide the Maricopa County Planning and Development Department with the design guidelines referenced in the narrative report.
- o. Prior to any zoning change for the Preserve at Goldfield Ranch Development Master Plan, the applicant shall submit to the Maricopa County Planning and Development Department verification of approval by the Maricopa Association of Governments (MAG) of a 208 amendment.
- p. The Preserve at Goldfield Ranch Development Master Plan shall be developed sequentially as identified on the phasing exhibit.
- q. Prior to approval of any preliminary plat for The Preserve at Goldfield Ranch Development Master Plan, the developer shall submit documentation from SHPO regarding disposition of archaeological site [AZ U:6:288 (ASM)] referenced in the January 2006 report [An Archaeological Survey and Evaluation of Approximately 2,420 Acres for The Preserve at Goldfield Ranch Development, Maricopa County, Arizona] as prepared by SWCA Environments Consultants. The documentation shall indicate whether the site will either be included in the National Register of Historic Places or how a data recovery program will be implemented during construction.
- r. That the DMP amendment adhere to Appendix Q-Hillside Development Standards.
- s. The following Drainage Administration stipulations shall apply:
 - 1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
 - 2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- t. The following Maricopa County Department of Transportation stipulations shall apply:
 - 1. The Developer (Applicant) has provided a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to any final plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite arterial alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
 - 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct certain regional improvements as further defined in the Development Agreement, in lieu of payment of this contribution. Such street improvements must be "system roadways," must be all-weather facilities, must

meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT will require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Developer does not construct regional roadway improvements, the Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.

3. The Development Agreement shall be executed prior to any zoning (rezoning) or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Developer shall provide the ultimate full or half-width of right-of way for all public roadways, OR, shall provide the equivalent widths as private tracts for private roadways. Right-of-way/Private Tract shall be provided as follows:
 - A total of 130 feet full-width (interior) or 65 feet half-width (perimeter) for section line and/or arterial roadways.
 - A total of 80 feet full-width (interior) or 40 feet half-width (perimeter) for collector roadways.

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways). Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

5. The Developer shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways. A portion of these improvements may be creditable to the Developer's contribution referred to in item #2. All roadways must meet county standards in effect at the time they are improved. This includes, but is not limited to the MCDOT Roadway Design Manual, including ITS infrastructure requirements and the Drainage Policies and Standards for Maricopa County. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Developer shall relocate well site(s) and/or provide additional right-of-way in the event of conflict with any transportation facilities. The Developer shall be responsible for design and construction of all collector roadways to a minimum design speed of 40 mph, unless otherwise approved by MCDOT.
6. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Developer's contribution referred to in item #2.
7. The Developer shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.

9. The Developer shall design and construct the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site. The Developer shall design and construct a Park and Ride facility.
 10. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets to initiate the SLID process.
 11. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
 12. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
 13. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
 14. The Developer shall provide written documentation of ADOT's review and response. ADOT documentation shall be received before any preliminary plat approval. (The Developer has submitted documentation of ADOT's review.)
 15. MCDOT continues to recommend that roadways meet minimum county standards. If roadways are not built to minimum county standards, perpetual maintenance of the roadways must be provided through alternative means.
- u. The following Maricopa County Library District stipulation shall apply:
- A quality of life assessment of \$596 for each housing unit built is made available to the Maricopa County Library District at the time of building permit issuance.
- v. The following Maricopa County Parks and Recreation Department stipulation shall apply:
- At the time each residential building permit is issued, two hundred fifty dollars (\$250) per residential unit shall be paid by the developer to a Park Enhancement Fund for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the Parks Special Revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by The Preserve at Goldfield Ranch residents. Details regarding this assessment are to be addressed in the required development agreement.
- w. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this development master plan due to non-compliance with any of the approved stipulations or other conditions of approval.

- x. That the developer design the streets to accommodate school bus turn around spaces and bus pull-outs for collecting students within the development as determined by the Fountain Hills Unified School District .
 - y. The following stipulations of DMP 92-4 (The Preserve Development Master Plan) shall apply:
 - 1. Prior to any grading the developer shall coordinate with the Arizona State Game and Fish Department and obtain a handling permit to facilitate temporary possession of desert tortoises.
 - 2. The developer shall work with the Arizona Game and Fish Department in the development of the CC&R's and a mitigation plan.
 - 3. All exposed slopes created by grading shall be restored and stabilized. Restoration shall consist of revegetation with native species or artificial weathering of rock faces. The overall shape, height and grade of any cut or fill slope should be designed to simulate the existing natural contours and scale of the natural terrain of the site. Approved dust control shall be maintained during cleaning, brushing or grubbing and until revegetation or site stabilization has occurred.
 - 4. During the subdivision process, building envelopes will be designed and grading will be allowed only in an approved disturbance envelope as outlined in the Development Master Plan documents. All development in the Preserve must submit a disturbance plan prior to grading. Existing vegetation and areas that are to remain undisturbed shall be protected by flagging, roping or other physical means that will visually warn grading or construction equipment away from these areas. The contractor shall maintain adequate grading supervision during the clearing, grading or brushing to ensure that only those areas to be graded are disturbed.
 - 5. All development shall comply with Maricopa County Lighting Ordinance requirements. In addition, the use of street lights shall be minimized, except when required by the governmental jurisdiction at street intersections for safety purposes. All street lights shall be shielded and directed downward to minimize reflection to the night sky. All lighting on residences shall also be shielded and directed downward. Low level lighting shall be encouraged throughout the project. All poles or standards used to support outdoor light fixtures shall be anodized or otherwise coated to minimize glare from the light source. Mercury vapor fixtures, lamps and searchlights will be prohibited.
 - 6. The developer shall negotiate a recycling program with the solid waste provider for The Preserve.
 - z. The adopted plan and stipulations of approval for DMP 92-4 shall remain in effect for the properties not included in this amendment.
7. **Z2006-075** District 1
- Applicant: Desert Colony, LLC
Location: South of Riggs Road and east of Hawes Road (in the Queen Creek area)
Request: Special Use Permit (SUP) for a feed store in the Rural-43 zoning district (approximately 3.64 acres) – Horse and More Country Store

COMMISSION ACTION: Commissioner Brooks moved to continue Z2006-075 to the regular meeting of January 3, 2008. Commissioner Aster seconded the motion, which failed with a vote of 4-2.

COMMISSION ACTION: Commissioner Brooks moved to recommend approval of Z2006-075, subject to stipulations "a" through "ee". Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled "Desert Colony, LLC Special Use Permit for Horse & More Country Store", consisting of one (1) full-size sheet, dated (revised) September 8, 2007, and stamped received November 2, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in general conformance with the narrative report entitled "Desert Colony, LLC-Horse & More Country Store", consisting of thirteen (13) pages, dated (revised) September 20, 2007, and stamped received October 30, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Desert Colony LLC, Horse and More Country Store Case Z2006075", consisting of one (1) full-size sheet, date(revised) August 10, 2007 and stamped received October 30, 2007, except as modified by the following stipulations.
- d. Development of the site shall be in conformance with the elevation plan entitled "Horse and More Country Store", consisting of one (1) full-size sheet, stamped received October 30, 2007, except as modified by the following stipulations.
- e. Development of the site shall be in conformance with the sign package "Sample Sketch of Wall Sign Type W4-NON" and "Sample Sketch of Monument Sign Type M2", consisting of two (2) pages, stamped received May 18, 2007, except as modified by the following stipulations.
- f. The feed store shall operate Monday through Saturday from 7:00 a.m. to 6:00 p.m. and Sundays from 9:00 a.m. to 4:00 p.m. No deliveries shall occur before 6:00 a.m. or after 10:00 p.m.
- g. The store shall only hold two (2) special events per month and the hours of operations when special events shall be consistent with the feed store, but extended on Saturdays to 9:00 p.m. and Sundays to 6:00 p.m. No additional exterior signage shall be allowed and off-site parking is prohibited.
- h. The use of speakers or loud sound devices shall not be allowed to promote regular operations or special events.
- i. Dedication of additional right(s)-of-way to bring the total half-width dedication to 70' for Riggs Road shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- j. Dedication of additional right(s)-of-way to bring the total half-width dedication to 65' for Hawes Road. shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.

- k. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for Riggs Road and Hawes Road along the perimeter of the site.
- l. The following stipulations from Maricopa County Department of Transportation (MCDOT) shall be met:
 - 1. Bonding for perimeter roadway improvements (curb, gutter, paving, and sidewalk).
 - 2. Any landscaping in County Right-of-Way shall meet Chapter 9 (Roadway Design Manual) and be MCDOT permitted.
- m. The following stipulation from Flood Control District shall be met:

Prior zoning clearance, a Floodplain Use Permit will need to be obtained from Regulatory Division of the Flood Control District.
- n. All trees shall be double-staked when installed.
- o. A continuous parapet shall screen all roof-mounted equipment.
- p. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- q. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- r. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- s. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- t. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- u. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- v. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- w. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

- x. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- y. The applicant shall submit a written report outlining the status of the development at the end of two (2) and ten (10) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- z. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- aa. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- bb. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- cc. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- dd. Fire sprinklers shall be installed in the hay barn.
- ee. The applicant shall pay for installation of a fire hydrant within 300' of the subject property.

8. Z2006-154 District 4

Applicant: Brian Cave, LLC for Volvo Cars of North America, Inc.
Location: South of Happy Valley Road and west of 199th Avenue (in the Surprise area)
Request: Major Amendment to an approved Special Use Permit (SUP) for an automotive proving grounds in the Rural-43 zoning district (the site is also partially located within the High Noise and Accident Potential zone for the Luke Air Force Base Auxiliary 1 facility) (approximately 1,498 acres) – Volvo Arizona Proving Grounds

COMMISSION ACTION: Commissioner Johnson moved to recommend approval of Z2006-154, subject to stipulations “a” through “v”. Commissioner Bowers seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled “Volvo Cars of America LLC Arizona Proving Grounds”, consisting of three (3) full-size sheets, dated August 31, 2007 and stamped received September 14, 2007, except as modified by the following stipulations.

- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Narrative Report – Major Amendment to Special Use Permit For Volvo Cars of North America, LLC – Arizona Proving Grounds", consisting of 19 pages plus exhibits, dated September 7, 2007, and stamped received September 14, 2007, except as modified by the following stipulations.
- c. Prior to the submittal of any construction permit applications to Maricopa County Planning and Development Department pertaining to improvements other than those listed as "Phase 1", Volvo Motor Cars of North America shall seek review and comment from Luke Air Force Base and shall provide to Luke Air Force Base the average and maximum number of people expected to be on the property throughout the year. Volvo Motor Cars of North America shall provide written evidence of compliance with this condition to Maricopa County Planning and Development as part of any permit submittal other than those listed as Phase 1.
- d. The applicant shall submit a Status Report and Site Plan Update discussing the status of the Special Use Permit, including any alterations to the Plan of Development, prior to the fifth anniversary of the approval of this Major Amendment and every fifth year thereafter. All Status Reports and Site Plan Updates shall be routed to Luke Air Force Base for review and comment.
- e. The proposed use shall not be operated in a manner that would impair visibility or otherwise interfere with operating aircraft from Luke Air Force Base Auxiliary Field #1, with such determination made by Luke Air Force Base.
- f. Outside lighting shall be downward directed and minimal in nature. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance with the exception of the proposed parking lot lighting that may be installed at a height of 30'.
- g. The maximum number of employees located on site shall not exceed 200 full time personnel. In addition, total attendance, including special events, shall not exceed 500 persons at any one time.
- h. Volvo Cars of North America shall submit an updated Grading and Drainage Plan and an updated Drainage Report on a project by project basis at the time application is made for permits to construct each proposed component of the Site Plan, and as part of any Minor Amendment application.
- i. All development and engineering design shall be in conformance with the Drainage Regulations and current engineering policies, standards and best practices at the time of application for construction.
- j. Drainage review of this Special Use Permit is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- k. A Floodplain Use Permit will need to be obtained from the Floodplain Management & Services Division of the Flood Control District prior to any development within the floodplain.
- l. Prior to zoning clearance, Volvo Cars of North America shall provide evidence of the dedication of additional right-of-way to bring the total half-width dedication to 55 feet for Happy Valley Road.

- m. Prior to zoning clearance, Volvo Cars of North America shall provide evidence of the application of additional right-of-way to bring the total half-width dedication to 65 feet for Deer Valley Road.
- n. All new drives and parking areas will meet Environmental Protection Agency (EPA) requirements for dust control in office complex.
- o. A continuous parapet shall screen all roof-mounted equipment.
- p. The perimeter berm shall be limited to fourteen (14) feet in height and shall be landscaped using indigenous plant species sufficient to provide soil stabilization and visual interest.
- q. Prior to zoning clearance for any vertical construction, Volvo Cars of North America shall provide evidence that emergency fire protection and emergency medical services have been established for all real property contained within the project area. If said fire and medical protection is to be provided by on-site personnel, Volvo shall provide evidence that said personnel have been duly trained and certified to provide those services.
- r. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- s. This Special Use Permit shall expire on July 7, 2079 or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. Removal of site improvements shall be based on the terms of the lease agreement between the applicant and the State of Arizona Land Department.
- t. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. All amendment shall be routed to Luke Air Force Base for review and comment.
- u. Noncompliance with the conditions of approval, or non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County, shall be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- v. Volvo Cars of North America, LLC and its successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

9. **S2007-007** District 4

Applicant: Hunter Engineering, P.C.

Location: Southwest corner of Camelback Road & El Mirage Road (in the Litchfield Park area)
Request: Final Plat in the IND-2 for Monument Business Park (approximately 34.67 gross acres)

10. **S2007-054** District 4

Applicant: Carter-Burgess on behalf of Scott Communities, RC, Inc.
Location: South of Jomax Road and west of Dysart Road (in the Peoria area)
Request: Replat for Rancho Cabrillo Parcel E (approximately 38.08 gross acres)